

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	4:05CR3115
v.	)	
	)	
MARTIN FERNANDEZ,	)	
	)	MEMORANDUM AND ORDER
Defendant.	)	
	)	

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Defendant has filed a motion for release to reside in Denver, Colorado with his wife and the co-defendant, at his residence of the last "four to five years." The motion says defendant is certain to obtain temporary employment upon release; defendant has no criminal history; and defendant is willing to post a \$5,000 bond.

According to the pretrial services report, however, defendant came to this country illegally in March of 2004, and defendant had been separated from his wife and living with a friend for approximately three months at the time of his arrest. At that time the defendant's wife advised the pretrial services interviewer that defendant would not be welcomed back into her home, and she intended to formally file for divorce. Because defendant is in this country illegally, he cannot work here legally. In addition, he reported to pretrial services that he had no known relatives in Colorado other than his wife, but the motion says he has an aunt, uncle, and cousins in the Denver area; of note also is that his parents and four siblings all live in Mexico. I conclude that the information in the defendant's motion, even if true, does not establish substantial ties to the Denver area to ameliorate this defendant's risk of nonappearance.

IT THEREFORE HEREBY IS ORDERED,

The motion, filing 14, is denied.

DATED this 12<sup>th</sup> day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester

United States Magistrate Judge